

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

2015 NOV -5 AM 9:52

CLERK-LAS CRUCES

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)2006 black Dodge Charger bearing New Mexico license
plate 219SNG and VIN# 2B3KA53H36H247555

Case No.

15MR704

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

2006 black Dodge Charger bearing New Mexico license plate 219SNG and VIN# 2B3KA53H36H247555

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

2006 black Dodge Charger bearing New Mexico license plate 219SNG and VIN# 2B3KA53H36H247555

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, Section 922(g)	Felon in Possession of a Firearm and/or Ammunition

The application is based on these facts:
See attached affidavit☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

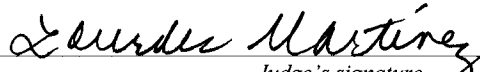
Bryce Fankhauser, Special Agent of the FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11-5-15

City and state: Las Cruces, N.M.

LOURDES A. MARTINEZ
U.S. MAGISTRATE JUDGE

Printed name and title

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT NEW MEXICO

IN THE MATTER OF 2006 DODGE CHARGER
BEARING NEW MEXICO LICENSE PLATE
219SNG AND VIN# 2B3KA53H36H247555,
CURRENTLY LOCATED AT FBI LAS
CRUCES, 505 S. MAIN ST., SUITE 115.

Case No. 15MR704

AFFIDAVIT

I, Bryce Fankhauser, being first duly sworn, hereby depose and state as follows:

1) I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since April 12, 2009. By virtue of my employment with the FBI, I am authorized to conduct investigations into violations of federal laws, to include the trafficking of illegal narcotics, the illegal possession of firearms, and various Federal criminal violations. In doing so, I have participated in a variety of drug and gang investigations, based on violations ranging from simple possession of drugs to complex conspiracies involving drug traffickers and gangs. I am currently assigned to the FBI Albuquerque Division, Las Cruces Resident Agency's Southern New Mexico Safe Streets Violent Gang Task Force. My experience as a Special Agent, as a direct result of my duties in this and other drug and gang-related investigations, includes participation in surveillance, working with confidential sources, conducting controlled purchases of narcotics and contraband, and writing affidavits for and executing search warrants. My experience also includes the seizure of drugs and weapons, the analysis of phone toll and financial records, the analysis of data derived from the use of pen registers, trap and traces, and wiretaps, conducting confidential source debriefs, and conducting post-arrest subject/cooperating defendant interviews. Prior to employment as an FBI Special Agent, I was a city police officer from 2005-2009, where I responded to and investigated a variety of criminal allegations, both violent and non-violent in nature.

2) I submit this affidavit in support of an application for a Federal Search Warrant to search a 2006 black Dodge Charger bearing New Mexico license plate 219 SNG and VIN# 2B3KA53H36H247555, registered to Travis K. Ludwig, P.O. Box 801, Chamberino, NM 88027. This affidavit contains facts known by me or told to me by other sworn law enforcement officers.

RF
Lam

The facts, articulated below, will show that there is probable cause to believe that the above mentioned Dodge Charger contains evidence of a violation of 18 U.S.C. § 922(g), possession of a firearm or ammunition by a prohibited person.

3) On October 24, 2015, at approximately midnight, the affiant was called to assist the Doña Ana County Sheriff's Office (DASO) regarding a kidnapping having occurred at approximately 10:30 p.m. on October 23, 2015, at 960 McKinley Avenue, Anthony, New Mexico.

CANDELARIO AYALA (AYALA) known and positively identified by witnesses and the kidnap victim (V-1), arrived at a residence in the 900 block of McKinley Avenue, Anthony, New Mexico in search of V-1, whom had recently left living with AYALA, with whom he/she was involved in a relationship. Witness 1 (W-1), an adult residing in the residence stated he/she observed AYALA, whom he/she knew on sight, to be carrying a small black handgun in his right hand. Upon entering the residence, in search of the V-1, AYALA entered the living room area, where he fired the weapon into the floor, causing the bullet to pass through the wooden floor leaving a hole in the flooring.

4) Witness 2 (W-2), a juvenile, present inside the residence, observed AYALA enter the house holding a handgun. Once inside the residence, AYALA fired the weapon into the living room floor, in the general direction of W-2, striking the floor near where W-2 was located.

5) The adult kidnapping victim (V-1), whom was later interviewed regarding the incident, stated he/she was in the bathroom in the residence when AYALA, whom V-1 is familiar with, arrived. V-1 could hear a male voice-which V-1 knew to be AYALA's voice—inside the residence. V-1 heard a loud noise which he/she believed to be a gunshot. V-1 emerged from the bathroom and saw AYALA holding a small black handgun in his hand. V-1 stated the handgun was small and possibly a .22 or .38 caliber. V-1 had previously seen bullets in AYALA's possession which V-1 remembered .38 being stamped upon.

6) Doña Ana County Sheriff's Office (DASO) was called out regarding the incident. Upon arrival, DASO Detectives K. Roberts, A. Sanchez and Sgt. J. Lovelace conducted initial interviews of W-1 and W-2, and photographed and measured the bullet hole in the floor of the

Ref
P. Zam

residence. Based on their training and experience, DASO law enforcement believes the hole observed in the floor of the residence is consistent with a bullet penetrating through the floor, as does the affiant whom also observed the hole.

7) Agents have determined that AYALA was previously convicted of the following felony offenses punishable by more than one year of imprisonment: on or about January 1, 2000, in Doña Ana County, New Mexico, of Aggravated Battery (Great Bodily Harm), Aggravated Battery (Deadly Weapon) Conspiracy, Bribery of a Witness (Threats Testimony); and on or about January 13, 2004, in Doña Ana County, New Mexico, of Aggravated Battery.

8) AYALA has been positively identified by the V-1, W-1 and W-2 as being the person responsible for firing a live round of ammunition into the floor of 960 McKinley Avenue, Anthony, NM on October 23, 2015. AYALA is a convicted felon and thereby prohibited from possessing live rounds of ammunition as well as firearms. Based on the witness statements, the affiant believes AYALA possessed, and likely still possessed at the time of his arrest on November 3, 2015, a small black handgun, identified as a .380, and live rounds of ammunition related to the functioning firearm which multiple witnesses observed him possess and fire a live round into the floor on October 23, 2015, in violation of 18 U.S.C. § 922(g).

9) AYALA has been positively identified by CS-1, who was present on Saturday October 31, 2015, in Anthony, New Mexico when AYALA arrived at 1600 Livesay, Anthony, New Mexico, and requested AYALA's brother, Sergio Ayala, to "Give me my piece," which CS-1 believed to be referring to a firearm. Sergio Ayala re-entered the residence, and emerged a short time later, providing AYALA with a small, brown or black in color pouch, which CS-1 had previously seen. CS-1 had previously observed the pouch to contain a small, black semi-automatic handgun which CS-1 stated was a .380, which CS-1 has previously seen AYALA to possess. Upon receiving the pouch from his brother Sergio Ayala, CANDELARIO AYALA opened the hood of the 2006 Dodge Charger, and placed the pouch in the engine compartment, near the firewall / windshield wiper area.

10) On November 3, 2015, agents determined that AYALA was located in El Paso, Texas. Agents found AYALA in the parking lot of the Red Roof Inn, located at 7530 Remcon Cir., El

*BE
yan*

Paso, Texas, 79912. Agents arrested AYALA for being a felon in possession of a firearm, in violation of 18 U.S.C. 922(g). After being *Mirandized* and agreeing to speak to law enforcement, AYALA made statements indicating he was the current possessor/operator of the 2006 Dodge Charger at that time. Moreover, at the moment of his arrest, AYALA was observed trying to forcibly gain entry into the vehicle due to his having accidentally locked the keys inside of the vehicle and a female who was present with AYALA at the time of arrest stated she is familiar with AYALA and was aware AYALA had been utilizing this vehicle since approximately Saturday October 31, 2015, and that AYALA had locked himself out of the vehicle and was frantically trying to gain entry to the vehicle. AYALA stated to the female, "All of my stuff is in there," and became upset with the female for not helping to gain entry.

11) Based on my training and experience, a small handgun, such as the one observed to be in AYALA's possession on October 31, 2015, can be hidden in a variety of places because of its small size. In other cases I and/or my fellow agents have worked on, we have found guns hidden in the engine compartment, in the trunk, as well as concealed voids within the vehicle. I also know that ammunition can be individualized and hidden in extremely obscure places within a vehicle.

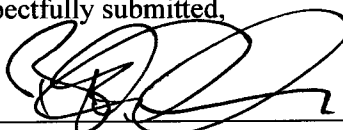
12) Agents towed the 2006 Dodge Charger from El Paso to FBI Las Cruces, located at 505 South Main St., Las Cruces, New Mexico, in anticipation of apply for a warrant to search the vehicle.

[continued on next page]

RF
LAM

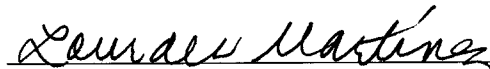
13) Based on the facts and circumstances set forth in this affidavit, this affiant submits that there is probable cause to believe that there is evidence of a crime, specifically Title 18 USC, Sections 922(g) in the 2006 Dodge Charger bearing New Mexico license plate 219 SNG and VIN# 2B3KA53H36H247555, located at 505 South Main Street, Suite 115, Las Cruces, New Mexico. Based on these facts, this affiant respectfully requests that this court issue a Federal Search Warrant to search the above listed vehicle.

Respectfully submitted,



BRYCE FANKHAUSER
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
on November 5, 2015:



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

The property to be searched is a 2006 black Dodge Charger bearing New Mexico license plate 219 SNG and VIN# 2B3KA53H36H247555, registered to Travis K. Ludwig, P.O. Box 801, Chamberino, NM 88027, located at the Las Cruces FBI Office at 505 South Main Street, Suite 115, Las Cruces, New Mexico.

This warrant authorizes the search of the vehicle for the purpose of locating evidence described in Attachment B.

*Bo
Lam*

ATTACHMENT B

All items in the vehicle, described in Attachment A, that relate to violations of Felon in Possession of Firearm/Ammunition, in violation of 18 U.S.C. § 922(g).

The items to be seized include the following:

Any firearms, ammunition, cases or holsters for any firearms or ammunition, and any magazines that may be associated with any firearms or ammunition and any documents showing purchase or ownership of firearms including receipts.

*B&L
LAM*